

# COBBETT'S WEEKLY POLITICAL REGISTER.

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"One of the greatest privileges enjoyed in this country, is the freedom of expressing our opinions on all subjects; but, if such horrid acts are to be perpetrated, this country can be considered as little better than those where despotism prevails. Whatever differences of opinion may exist on any one subject, every man has a right to entertain his own opinions, to express what he feels, and to act accordingly."—Mr. PONSOMBY'S Speech in the House of Commons, 13th May, 1812.

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## SUMMARY OF POLITICS.

**FLOGGING SOLDIERS.**—The very sight of these two words will call to the reader's recollection the ground of my having been in this place for two years all but *one month* (the term ending on the 9th of July); it will call to his recollection the ground upon which I was, by a Special Jury, found guilty of what was called a *libel*; upon which I was, by the four Judges of the King's Bench, sentenced to be imprisoned in this jail of Newgate for two years, and after that time, to pay a *thousand pounds* TO THE KING, and to be held to bail in the sum of *five thousand pounds* for *seven years*, making altogether *nine years* of my life. The article for writing which this punishment was inflicted upon me, and for printing and publishing which the printer (though he suffered judgment to go by default) was imprisoned for three months, and *two* publishers for two months each; that article contained what the public very well recollects respecting the flogging of some of the Local Militia at the town of Ely, who were sentenced to receive 500 lashes each, in the summer of 1809, upon which occasion *German Troops* were employed in order to reduce the Local Militia to submission.—Having reminded the reader of these things, I have now to call his attention to what has, since my imprisonment, taken place as to the great question of *flogging soldiers*.—I was sent to prison on the 9th of July, 1810, *a year and eight days* after the publication of the article, the prosecution having been going on against me for nearly the whole of that time. In some months afterwards a prosecution of the same sort was begun against Mr. Drakard, the proprietor of the *Stamford News*, for having published an article somewhat similar to mine. He was found guilty by a special jury at Lincoln, and sentenced to be imprisoned in Lincoln jail for 18 months, and to pay a fine of some

hundreds of pounds, and, I believe, to find sureties too. He was sentenced by the same Judges that I was. The proprietors of the *Examiner*, who had copied Mr. Drakard's article, were also informed against and tried; but they, as the public will recollect, were acquitted.—Nevertheless, the subject of flogging was still destined to be discussed. SIR FRANCIS BURDETT, that true friend of the people, whether dressed in red or grey coats, was not silenced. In the winter of 1811, he brought the subject before the House of Commons; through his means discussion was thus revived in a way which has not yet exposed men to punishments. He, while in the Tower, had had occasion to see what flogging was; he spoke with the more confidence on that account; his speeches were published by those who dared not express their own thoughts upon the subject in print; and the effect upon the public mind was such as might have been anticipated.—But, how did all this help the soldier? Why, though, in the first place, it was met with a high and disdainful tone, the government, aye, even the ministry of lawyer Perceval, thought it prudent to introduce into the Mutiny Act of 1811, a clause, which, as they explained and construed it, was to have the tendency of *lessening the quantity of flogging in the army*. They had, over and over again, asserted, that all was right; and Perceval himself had, in a particular manner and with great vehemence, contended, that there was no more flogging than was necessary; but, they now thought it prudent to introduce a clause into an Act of Parliament, calculated, as they declared, to lessen the quantity of that punishment.—When the subject was again revived by SIR FRANCIS BURDETT, during this present session of parliament, he was told, that the clause in question had *already done much*, and that it was in progress every day. Still, however, he insisted upon the neces-



sity of abolishing the flogging altogether, and proposed a clause in the new Mutiny Act to that effect. The clause was rejected; but, it became manifest, that the tone of the government and its supporters was greatly changed.—During the progress of this Mutiny Bill there arose some pretty angry discussions in consequence of Mr. Brougham's attributing, in some measure, the relaxation in the punishment TO ME. There was a violent outcry against this in the Honourable House. It was strongly reprobated, that the soldiers should be taught to look TO ME for redress, instead of looking to their officers. This outcry, this alarm, excited a good deal of mirth in the country. "Just as if," people said, "there could be any ground to fear, that the soldiers would *look up for redress* to a man whom the Judges of the King's Bench have sentenced to be imprisoned in a jail where felons are confined! Just as if the soldiers would *look up to such a man for a redress of their grievances!*" And especially while they have so many officers to take care of them and see them righted!" People were very merry upon the subject. They did so laugh at the idea of an alarm lest the soldiers should *look up to me.*—However, while this was going on, no opportunity appears to have been lost by the government or by the military officers in the Honourable House, to assert, that *flogging was actually become less frequent.*—But, about the time that we are now adverting to, something of greater consequence took place. The Commander in Chief sent, as it now appears, a circular letter to the Commanding Officers of Regiments, the manifest object of which was to discourage the practice of flogging. I should, however, here remind the reader, that, in the year 1808, SIR FRANCIS BURDETT moved for a return to be laid before the House of all the floggings which had taken place in the army for a certain previous period. This motion was rejected with high disdain; but, it appears, that, since that time, returns of all the floggings are regularly made, by the several regiments, to the Commander in Chief, who has, thereby, the means of judging of what is doing in each regiment in the way of flogging.—At the time of the parliamentary discussions, to which I have last alluded, the Commander in Chief caused, it seems, the following circular letter to be sent to the commanding officers of regiments.—"CIRCULAR.—*Horse Guards, 25th March, 1812.*—Sir,

"The Commander in Chief judges it expedient to transmit to you, with the enclosed documents, a few observations on the salutary effects with which it is reasonable to hope that an occasional recurrence to the powers with which you are thereby vested will be attended; amongst which the most obvious advantage is that of limiting the operation of Regimental Courts-Martial strictly to the purposes for which they are designed by the Legislature, viz. for inquiring into such disputes and criminal matters as may come before them, and for inflicting corporal or other punishments for small offences; and in order to prevent the possibility of any misunderstanding on this important point, it is his Royal Highness's command, that *on no pretence whatever* shall the award of a Regimental Court-Martial hereafter exceed——\*—The Commander in Chief has commanded me to take this opportunity of stating, that there is no point on which his Royal Highness is more decided in his opinion, than that *when Officers are earnest and zealous in the discharge of their duty, and competent to their respective stations, a frequent recurrence to punishment will not be necessary.*—The Commander in Chief is confident, the Officers of the Army are universally actuated by a spirit of justice, and impressed with those sentiments of kindness and regard towards their men, which they on so many occasions have proved themselves to deserve; but his Royal Highness has reason to apprehend, that, in many instances, sufficient attention has not been paid to the *prevention of crimes.* The timely interference of the Officer, his personal intercourse and acquaintance with his men (which are sure to be repaid by the soldiers' confidence and attachment), and above all, his personal example, are the *only efficacious means of preventing military offences;* and the Commander in Chief has no hesitation in declaring, that the maintenance of strict discipline *without severity of punishment,* and the support and encouragement of an ardent and military spirit in a corps without licentiousness, are the criterions by which his Royal Highness will be very much guided in forming his opinion of the talents, abilities, and merit of the Officers, to whom the command of the different regiments and corps of the army are confided.—I have the honour to be, Sir, your very obedient humble servant."—I

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have seen it stated in some of the newspapers, that the blank is filled up with 300 *lashes*. But, that, I think, must be impossible; for, the letter says, that the powers of regimental courts-martial are to be confined to the inflicting of punishment for *small offences*; and, as has been stated on the authority of Mr. BARON MASERES, a soldier was *killed* by the infliction of 170 lashes, while that gentleman was Attorney General in the Province of Canada, it having become his duty to prosecute the officers, guilty of the act, for murder.—However, this we see clearly, that the above Circular had for its chief and most excellent purpose, *the further diminution of flogging in the army*. This is quite clear, and, while I do not wish to withhold from the Commander in Chief any part of the praise due to him for having endeavoured to inculcate the principles contained in this Circular letter, justice to Sir Francis Burdett and to us who have had the honour to fight under his banners in this cause, not forgetting Mr. Brougham, demands that I should point out, that this Circular is dated about ten days after the discussions in parliament last alluded to and the revival of those discussions in the Register, as will be seen by a reference to the latter for the month of March last.—It has always been contended by the supporters of the flogging system, that that *punishment is necessary*, and that no more of it was laid on than the *necessity of the case* demanded. But, here, in this Circular, the Duke of York says pretty plainly, that too much of it has been laid on, and that he expects to see less laid on in future. He does more than this; for he says, in language too plain to be misunderstood, that those Commanding Officers who cannot “maintain strict discipline *“without severity of punishment,”* shall not have his favour; or, in fewer words, that *he will not promote floggers*. This is coming to the point; and the reader may be assured, that it is a point that will be attended to.—Indeed, what can be more just than the principle inculcated at the close of this letter; namely, that the fitness of an officer to command a corps is to be judged of by his supporting due subordination without severity of punishment? This principle applies to all government. It requires neither talents nor virtue of any sort to govern by *mere force*. Any fool can be a *despot* or *tyrant* at the head of a nation, a regiment, or a family; but, to govern with gentleness, requires *wisdom* as well as a just mind. The brutal and bloody

tyrants of Africa are as stupid as they are ferocious; but, they are exceedingly well obeyed; no rulers govern with more complete authority. Now and then, however, they lose their own heads all of a sudden. This is as it ought to be, and as nature says it shall be: he who governs solely by the principle of *fear*, shall cease to govern the moment that that fear is overcome by any one of those who are under his tyranny. Would that this principle of the Duke of York were *generally* adopted in the world! Would that rulers of all sorts and sizes would learn and be thoroughly convinced, that to govern by fear is to ensure their own final destruction; would that they would learn, that those who *fear* their fellow man always *hate* him at the same time, and that, sooner or later, they seldom fail to endeavour, at least, to obtain revenge.—To return to the flogging (for that is the subject to stick to), there is another great point which has been gained for the soldier; and that is, a declaration, officially made by the Judge Advocate General, that to bring a man out twice to be punished under the same sentence is UNLAWFUL; that is to say, that it is UNLAWFUL to inflict on a man, at *twice*, or more times, the lashes which he has, at one court-martial, been sentenced to receive. This practice, the practice of flogging a man till the surgeon declared his life to be in danger; then putting him into the hospital; and when his back was healed, bringing him out again to receive the rest of his sentence, or as much more of it as he could stand; this practice, it is notorious, was *common in the army*. I have seen the thing done myself many times. And, indeed, no one will pretend to deny, that it was what may be called a *common practice*.—This practice, which has lasted for so many years, is not now merely to be discontinued; it is not merely discountenanced; it is not put down by the public feeling and voice; it is not got rid of by a side wind measure in parliament: but, it is declared by the law-officer of the army to be ILLEGAL; and, of course, it has always been ILLEGAL, though general throughout the army.—And to whom does the reader attribute the gaining of this point for the soldiers? Why, certainly, to Sir Francis Burdett chiefly, and after him to us who have written upon the subject; for, otherwise, how comes the law, in this respect, never to have been known *before*? The people of this country have been paying Judge Advocate Generals for these hundred years past;



and yet, for a great many of those years, it has been the practice throughout our army to inflict a flogging, in many cases, at two or three spells. This is *now* declared to be unlawful; and, of course, many hundreds and thousands of poor men have been unlawfully flogged. Did the Judge Advocate, did the government, *know* of this? Did they know, that this unlawful practice was in vogue? Did they know that the soldiers were frequently flogged contrary to law? If they *did*, what are we to think of them? And, if they *did not*, what but our exertions, our honest discharge of our duty and our perseverance; what but these have now introduced this practice to their knowledge? Mr. CHARLES ADAMS may wince as much as he pleases; he may crack his jokes upon my "*lodging*," as he so *wittily* called it; he may scold about the soldiers being taught to look up to me for a redress of their grievances, instead of looking up to *their own officers*; he may do this as long as he likes, but he will not be able to do away the facts, that *their own officers* did not discover, that to give them a flogging at twice or three times was unlawful; and that this discovery has been made since I began to write upon the subject of flogging, and, indeed, since I have been in this prison. These are facts that Mr. Charles Adams will not be able to do away by any *witticisms* that he can put forth upon the subject of my imprisonment, though those witticisms should always be honoured with the approving laugh of that Honourable Body to which he belongs, and to which Perceval *did* belong.—Here I should stop for the present; but there has just come to my hand another great and most striking proof of the salutary effects of our labours in this cause; namely, *an Act passed by the American Congress expressly putting an end to flogging in the American Army!* This is a most glorious proof of the power and utility of the press when used for the good of mankind. I will first insert the Act, word for word, and will then offer some remarks upon it.

*An Act to authorize a detachment from the Militia of the United States.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby authorized, to require of the Executives of the several States and territories, to take effectual measures to organize, arm,

and equip, according to law, and hold in readiness to march at a moment's warning, their respective proportions of one hundred thousand militia, officers included, to be apportioned by the President of the United States from the latest militia returns in the department of war; and, in cases where such returns have not been made, by such other data as he shall judge equitable.

Sec. 2. And be it further enacted, That the detachment of militia aforesaid shall be officered out of the present militia officers, or others, at the option and discretion of the constitutional authority in the respective States and territories; the President of the United States apportioning the general officers among the respective States and territories, as he may deem proper; and the commissioned officers of the militia, when called into actual service, shall be entitled to the same pay, rations, and emoluments as the officers of the army of the United States.

Sec. 3. And be it further enacted, That the said detachment shall not be compelled to serve a longer time than six months after they arrive at the place of rendezvous, and during the time of their service the non-commissioned officers, musicians, and privates shall be entitled to the same pay and rations as is provided by law for the militia of the United States when called into actual service.

Sec. 4. And be it further enacted, That the President of the United States be, and he hereby is authorized to call into actual service any part, or the whole of the said detachment, in all the exigencies provided by the constitution; and the officers, non-commissioned officers, musicians, and privates of the said detachment shall be subject to the penalties of the Act, entitled, "An Act for calling forth the Militia to execute the laws of the Union, suppress insurrections, and repel invasions, and to repeal the Act now in force for those purposes, passed the twenty-eighth day of February, one thousand seven hundred and ninety-five;" and if a part only of said detachment shall be called into actual service, they shall be taken from such part thereof as the President of the United States shall deem proper.

Sec. 5. And be it further enacted, That in lieu of whipping, as provided by several of the rules and articles of war, as now used and practised, stoppage of pay, confinement, and deprivations of part of the rations shall be substituted, in such manner as hereinafter provided.



Sec. 6. And be it further enacted, That any non-commissioned officer or private belonging to the aforesaid detachment of militia, who shall, while in actual service, be convicted before any court-martial of any offence, which before the passing of this Act might or could have subjected such person to be whipped, shall, for the first offence, be put under such stoppages of pay as such court-martial shall adjudge, not exceeding the one-half of one month's pay for any one offence; but such offender may, moreover, at the discretion of such court-martial, be confined under guard, on allowance of half rations, any length of time, not exceeding ten days for any one offence, or may, at the discretion of such court-martial, be publicly drummed out of the army.

Sec. 7. And be it further enacted, That the sum of one million of dollars be, and the same is hereby appropriated to be paid out of any monies in the Treasury not otherwise appropriated, towards defraying any expenses incurred by virtue of the provisions of this Act.

Sec. 8. And be it further enacted, That this Act shall continue and be in force for the term of two years from the passing thereof, and no longer.

H. CLAY,

Speaker of the House of Representatives.

WM. H. CRAWFORD,

President of the Senate pro tempore.

April 10, 1812.

Approved. JAMES MADISON.

That the provisions in this Act against the practice of flogging have arisen from our discussions here, and the re-publication of those discussions in America, there can be no doubt; for, you see, reader, that the practice had been continued to be tolerated in the American army until now. It is true, that that army was nothing worth speaking of; it could hardly (*thank God!*) be called an army; but, still it was in the power of the officers to flog the men, or cause them to be flogged, though I have some notion, and am almost sure, that, as to the number of lashes, the *Mosaic law* was the guide; that is to say, "forty stripes lacking one." However, even this could be no longer supported. The publications in England, and, in this respect, mine especially, had rendered the matter too notorious, and caused it to be too much discussed, for flogging to be inflicted on the new army now called forth.

—BURKE said, that "Kings had *long arms*," and, he added, that they "ought also to have *good memories*," advising, in the height of his counter-revolutionary hopes, the Kings of Europe to punish their refractory subjects. But, long as the arms of kings may be, and they are, indeed, sometimes pretty long, *the Press* has longer arms. I see no reason why those who wield it should not have *good memories* too; but, at any rate, the arms of the press outstretch those of all the kings in the world.—In this case of America I cannot but take to myself a large share of the merit; for, though Sir Francis Burdett's speeches upon the subject have all been re-published in the United States, still the prosecution of me, who had so long been known in that country for a most zealous defender and eulogist of every thing English, could not fail to excite a more than ordinary degree of interest. When it was known in America, that so heavy, so dreadful a sentence, had been passed upon me, a sentence which no man could regard as much short of death; a sentence surpassing in severity those for nineteen twentieths of the *felonies*; when this sentence was heard of in America, where every creature was well acquainted with what I had there suffered from my devotion to my country, every one naturally felt eager to know *what I could have done* to merit such a sentence! And, when the people of that country came to see what it was; when they came to read the article, for the writing of which I was to be so heavily punished; when they came to consider the subject matter of that publication, and to reflect on how they themselves might become interested in it, there naturally came forth through the press an expression of those sentiments which have finally had their effect in producing the Act of Congress above inserted; and thus has the hateful practice of flogging men been abolished by law in a great and rising and wonderfully increasing nation.—I do not pretend to say, that the American government would have had any desire to continue the practice of flogging, though the discussions on the subject had never taken place in England. On the contrary, I am of opinion, that that government was glad of an opportunity of getting rid of it; but, I am of opinion, that the thing would not have been *thought* of, had it not been for the discussions in England.—Sir Vicary Gibbs was little apprehensive of these effects when he was prosecuting me; he could scarcely have hoped, that his labours



would be productive of consequences so important, so beneficial, and honourable to mankind; he hardly, I dare say, flattered himself that he was ensuring the extension of his renown through a whole continent of readers.—At any rate, the practice of flogging is abolished in the *American army*! the lawgivers of that country have condemned it; they have said, that no American soldier shall ever, in future, be flogged; here are eight millions of people, at any rate, amongst whom the use of the lash is no longer to be tolerated. The American legislature have not done the thing in part; they have not given hints about it; they have not trusted to any body's discretion; but, they have, at once abolished the punishment, and have enacted, that it shall no longer be permitted.—It has often been asked, by the opponents of SIR FRANCIS BURDETT, and especially by Perceval, what punishments he would have as *substitutes* for flogging. To which he has always answered: *none at all*. Substitutes for *bread*, substitutes for *good things*, we often, and very properly, talk of; but, if we could get rid of the *income tax*, who would call for a substitute? However, if it be meant, that some modes of punishing soldiers must be discovered, if that of flogging be abolished, here we have them in an American Act of Congress, quite sufficiently defined; and, I think, that no one will look upon the Act as too long. The Congress have not been afraid, that the punishments here named will not be sufficient to keep their army under proper discipline; and, if these punishments will suffice for *their army*, why should they not suffice for *our army*? There may be persons who think that the lash is more necessary to an *English* than to an *American* soldier. I am not one of those; and I am fully persuaded, that regulations, similar to those now adopted in America, would, if adopted in our army, soon shew that my opinion of my countrymen in arms is much more just than that of the Editor of the *Courier*, who has asserted, that "*the soldier is and ought to be out of the pale of the constitution.*"

MR. EATON.—PAINE'S AGE OF REASON.  
—On the 6th of March last, Mr. DANIEL ISAAC EATON, of AVE MARIA LANE, was tried in the Court of King's Bench, Guildhall, London, for publishing the *THIRD AND LAST PART OF PAINE'S AGE OF REASON*. Mr. Eaton defended himself, and, as appears from an account of the TRIAL, since published, that he did it by reading a

written paper, and a most excellent paper it is in defence of the liberty of the press. He was, however, by a Special Jury, found *guilty*.—He was prosecuted by the Attorney General (Gibbs), who, *before the verdict* was given, moved the Judge (Lord Ellenborough) not to suffer Mr. Eaton to leave the court; and, as soon as the verdict had been given, he moved the Judge, that Mr. Eaton might be committed; and, the Judge not only committed him, but committed him from the court to *Newgate*. Here he had to remain till the next term, that is to say, till the 15th of May, before he was brought up to receive judgment, when he was sentenced to be further imprisoned in Newgate for EIGHTEEN MONTHS, and to *stand in the Pillory once within a month*. Thus is the whole of his imprisonment to be upwards of twenty months.

—On the 26th of May, the latter part of his sentence was executed, in the broad part of the Old Bailey, in the presence of from twelve to twenty thousand people. The day was very fine; and, perhaps, a more interesting scene has seldom been beheld. The Attorney General and the Special Jury and the Judges had pronounced their opinion upon the conduct of the aged man (for he was about three-score years old); and *the people* had now to pronounce *their* opinion upon his conduct, which they did in a most unequivocal and audible manner.—The moment he appeared from the prison door, there was a general shout. Upon his being put into the pillory, the exclamation of "*brave old man!*" was followed by an universal mark of applause after the manner of the Theatre; that is to say, by *clapping of the hands*, and by cries of *bravo, bravo!*—The Pillory is erected upon a Scaffold, and is so constructed as to turn round and present the face of the person in different directions. Mr. Eaton frequently turned himself; and, at every turn, he received fresh applauses.—Some of the people wished to convey him refreshments, which could not, I suppose, be allowed, consistently with the rules; but, one person got to him with a pocket handkerchief, to wipe the sweat from his face, the day being very hot.—Thus he passed the hour surrounded, I should suppose, by *fifteen thousand people*, at least, from whom he received every possible mark of *compassion* and of *applause*; and at the end of the hour, he, bowing to the people, retired, under a huzza that made the air ring. To crown the whole, no sooner had he descended from the scaffold, than a GAME COCK



was, by some one, put on it, typical, I suppose, of the courage he had displayed, as complimentary of the commencement of his career in politics, when, under the sign of the Cock, he published, at the out-set of the Antijacobin war, many things which attracted the attention of Pitt and his Attorney General.—Such is the true history of the pillorying of Mr. Eaton; such was the way in which the people expressed *their* opinion of his conduct. The punishment of pillory is intended to expose the party to the scorn, the scoffs, and the peltings of the people. But, Mr. Eaton met with none of these. He had the satisfaction to hear himself applauded; he received, as the voluntary offering of the people, more applause than could be bought upon any grand day for two or three thousand pounds, even with the aid of all the trained huzzaers of the General Post-Office.—Upon similar occasions the venal press has generally bestowed the name of *mob*, or that of *rabble*, upon the people assembled. I do not, however, perceive, that they have done this upon the present occasion. They have held their tongues upon the subject; and, in this they have been very prudent; for, to have come out with the charge of *mob-bism* again, so soon after having abused the people on account of their feelings in favour of Mr. Bellingham, would have been to declare open war upon the whole of the public.—As to the *capacity* of the people for judging in a case like this, we will take the opinion of MR. PEEL (now *Sir Robert*), as given in the House of Commons, at the time of the riots at Manchester, in 1792: “THE COMMON PEOPLE,” said he, “ARE BETTER JUDGES OF THINGS THAN THEY ARE SUPPOSED TO BE. French writings, and PAINE’s WRITINGS, and all the writings and doctrines of Paine’s friends, *have had no effect on them*. There is but one sentiment amongst them, and that is, *loyalty*; attachment for their *lawful* governors, and veneration for the constitution.” This was Mr. Peel’s description of the character and politics of the people. Now, if it was false, the reader must settle the matter with Mr. Peel; but, if it was true, I can really see no reason to conclude, that the people are not *now* as capable of judging on public matters as they were in 1792; especially as they have now had more time to read Paine’s writings and to observe the effect of his principles in other countries. They have, since the year 1792, had twenty years of most interesting experience; Paine

has, since that time, published several works; and, as there have been published *a thousand works against him*, the people may, surely, now be thought as good judges, at least, as they were in 1792.—With all these advantages, natural and acquired, then, they came to pronounce their opinion upon the conduct of Mr. Eaton in publishing the *Third and Last Part of Paine’s Age of Reason*; and, what that opinion was the world will easily judge from the above statement.—This is, I am told, *the first instance*, within the memory of persons 50 years of age, of any one being *applauded* in the Pillory in England. If, indeed, it were the *common practice* to applaud persons so exhibited, no argument could be drawn favourable to Mr. Eaton from the applause bestowed upon this occasion.—But, it is notorious, that this is not the case. When, last year, some of the wretches guilty of *unnatural offences* stood in the pillory, on the same spot where Mr. Eaton was exhibited, their features were almost instantly rendered indistinguishable by the peltings in mud, blood, addled eggs, guts, garbage, dead dogs and cats, and every species of filth, while the air was filled with hootings and execrations. When, at a later period, a man stood in the pillory, on the same spot, for *swindling*, he was covered with mud, and was hooted and reproached. These facts, which no one will attempt to deny, show, that the people of England have not lost their character; that they are still the same just and yet compassionate people that they always were. These facts shew, that they know how to *discriminate*; that they are not the favourers of those whom they know to be real criminals; that they, while they love liberty, are still as much as ever the supporters of law.—But, do I suppose, then, that they, in applauding Mr. Eaton, applauded the *work* for the publishing of which he was prosecuted by Sir Vicary Gibbs? Oh! no. I suppose no such thing. I dare say, that, out of the 15 thousand, not 15 persons had ever seen the work. The greater part of them had seen an account of it in Gibbs’s speech and Lord Ellenborough’s charge to the Special Jury; but, the fact is, that those, who applauded Mr. Eaton, did not care a straw about the doctrines of the work; their applause was built upon the principles laid down in that speech of Mr. Ponsonby, part of which I have taken for my motto, and to which I beg the reader to turn. Oh! no. It was not any attachment to *Deism* that made



them cheer Mr. Eaton; it was their attachment to *the liberty of the press*, to which they know well that they owe whatever of freedom they enjoy. They took into view, too, all the circumstances of the case; the age of Mr. Eaton; his treatment, &c. &c. &c.; and, with all these in their minds, they uttered the expression which I have noticed.—As to the *work itself*, I never saw it till the *trial* took place; and, though I have had, in my possession, the two former parts of Paine's *Age of Reason*, bound up with the rest of his works, ever since about the year 1796, I never read a single page of either, till the period of Mr. Eaton's prosecution. I have now read them all; and I really do not find in them any of that *ribaldry* or *mockery* that have been so much talked of. They are *sober*, *argumentative* essays; and, though the author may be wrong, it is not, according to Mr. PONSONBY, any crime in him to express his thoughts; nor can there, I should hope, be so much danger in his so doing, seeing that the work has been published in America for three years past without producing any visible effect. Now, if it has done no mischief in America, where there are no tithes, and, of course, where there are no Arch-Bishops, Bishops, Deans, Arch-Deacons, Prebendaries, Canons, Rectors, Vicars, or Curates; if it has done no mischief there, where Christianity has no funds to support it, there is not, I presume, much danger of its doing mischief here, where we have, I should suppose, about twenty or thirty thousand persons who have been ordained, and who have a maintenance for the express purpose of ensuring their services in the support of the Christian Religion. Be this as it may, I have not yet heard, that this Third Part of the *Age of Reason* has yet been *answered* by any one of this great number of Clergy. That I shall hear of it, however, would be a shame to doubt; for, the Church will hardly leave her defence, in this case, *wholly* to the Attorney General, the Special Jury, and the Judges. The annual revenues of the Church are supposed, by ARTHUR YOUNG, to amount to £5,000,000. sterling in England alone;\* to which if we add that of the Church of Ireland and of the Kirk of Scotland, we shall find the whole to be not less than £7,000,000. sterling, which (*mark the fact!*) is about FOUR TIMES AS MUCH as the amount of THE

WHOLE OF THE ANNUAL REVENUES OF THE AMERICAN STATES OF EVERY SORT! A very curious fact!—But, let us suppose that MR. YOUNG, in his zeal for agriculture, overstretched the bounds with regard to the revenues of the Church. Let us take the whole of the three Kingdoms at £5,000,000. it will pay *ten thousand* men at £500. a year each. Surely, then, we Church People in particular have some reason to expect, that an *answer*, besides that of the Attorney General, will be given to this work of Paine, especially after the decision pronounced upon Mr. Eaton's conduct by the public in London. Our Clergy will hardly tell us, that the work is a *contemptible thing unworthy of their notice*; because, if they do, we shall remind them of the very *serious notice* taken of it by the Attorney General and the Judges of the Court of King's Bench, viz. Lord Ellenborough, Judge Grose, Judge Le Blanc, and Judge Bailey; we shall remind them, that Mr. Eaton, at the age of three score, has stood in the Pillory, and is to suffer 20 months of imprisonment in Newgate, for publishing this work; we shall remind them, that the Attorney General declared the work to contain doctrines of the most pernicious tendency; and that "their consequences, if "they TOOK ROOT, in the minds of "those by whom they were perused, "would be DREADFUL IN THE EXTREME!" The Judge (Lord Ellenborough) who tried the information, *was of the same opinion*. Therefore, I think, that we have a right to expect from our Clergy, that which will prevent this pernicious plant from *taking root*. Nay, I think, that every churchman has a right to call upon the minister of his own parish for an antidote against this deadly poison; and, accordingly, *I hereby call upon mine*, who, though I am absent from him, will, I am sure, not think me out of the pale of his care, especially when he considers that I am, here, in the very focus, as it were, of these dreadful publications. But, in making this call upon my pastor, I beg leave to apprise him, that I shall be convinced by nothing short of a confutation arising out of *fair reasoning*, or *clearly established facts*; and that mere *reproach* on either Messrs. Paine or Eaton, or on both together, will have no weight at all with me. To shew that I am in earnest, and that I really am anxious to see the subject discussed, I promise the gentleman, to whom I now address myself (I mean, of

\* TRAVELS, Second Edition, Vol. I. page 611.



course, the Rector of Botley), that I will, at my own expense, cause to be published whatever he may write to me in answer to Paine's Third Part of the Age of Reason, provided it does not exceed in bulk twice that of the work to be answered; and I will, if the Rector of Botley should decline the invitation, do the same with respect to an answer by *any other Clergyman of the Church of England*; after which offer, I shall, I hope, hear no more of the danger to be apprehended from Mr. Eaton's publication, for here I pledge myself to circulate the antidote.

WM. COBBETT.

*State Prison, Newgate,  
Friday, 12th June, 1812.*

### PARLIAMENTARY REFORM.

*To the Freeholders and Inhabitants of  
Hampshire.*

GENTLEMEN,

The various, confused, and even contradictory opinions that have been delivered in the two Houses of Parliament during the late sessions, and particularly whilst the Regency question was under discussion, respecting what was and what was not consonant to the principles of the constitution, appear to me to be calculated to excite doubts, not merely as to the excellence, but even as to the very existence of the constitution, it being natural to conclude, that such a diversity of sentiments could not be entertained respecting the nature of an institution, if the document itself could be produced to settle the dispute. To obviate such erroneous conclusions, and to do justice to an institution, for which our ancestors were at all times ready to sacrifice not only their fortunes but even their lives, must necessarily be an object of the highest importance as well as of the greatest utility, as it must have a strong tendency to strengthen and confirm our hereditary notions of the superiority of our constitution over all others, as well as to settle and fix our opinions respecting it upon a rational and solid basis. The most eligible mode of attaining this desirable end, appears to me to be this: to extract, from the ablest writers on this subject, such principles as have undergone and stood the test of the most rigid and severe scrutiny, and have thereby challenged and extorted the admiration and approbation of men of all parties and denominations.

The late Judge Blackstone is an author of this description; his authority is admitted in the courts of law, and all men of all parties appeal to his Commentaries as decisive upon almost all occasions; no writer, therefore, can be better adapted to the purpose I have mentioned than he is, as few men, however much they may dislike the doctrines to be derived from such a source, will venture to impeach the authority from whence they are drawn. In Judge Blackstone's Inquiry into the Nature of Society and Civil Government, I read, "that the reins of government ought to be intrusted to the hands of those only who possess the qualities of wisdom, goodness, and power; wisdom to discern the real interest of the community, goodness to endeavour always to pursue that interest, and power to carry this knowledge and intention into action: these are the natural foundations of sovereignty, and these are the requisites that ought to be found in every well-constituted frame of government;" thereby clearly evincing, that as *the good of the people* is the sole legitimate foundation of all government, so the only and ultimate object of all government ought to be to promote and secure *the good of the people*. In order to shew that our peculiar constitution possesses these natural foundations of sovereignty in a more eminent degree than any other, he then proceeds to examine into the merits of the three regular forms of government that have been chiefly found to exist in the world, namely, democracy, aristocracy, and monarchy; and states, that "in a democracy, where the right of making laws (which he styles the sovereign power) resides in the people at large, public virtue and goodness of intention is more likely to be found than either of the other qualities of government, as popular assemblies generally mean to do the thing that is right and just, and have always a degree of patriotism and public spirit. In aristocracies there is more wisdom to be found than in the other frames of government; but there is less honesty than in a republic, and less strength than in a monarchy. A monarchy is, indeed, the most powerful of any; for, by the entire conjunction of the legislative and executive powers, all the sinews of government are knit together and united in the hands of the prince; but there is imminent danger of his employing that strength to improvident or oppressive purposes." Having thus specified the several perfections and



imperfections of these three different forms of government, he then states that “that supreme, irresistible, absolute, uncontrolled authority, in which the rights of sovereignty reside, and which, under all forms of government, must be vested somewhere, is, by the British constitution, intrusted to *three distinct powers, entirely independent of each other*; consisting of, first, the King; secondly, the Lords Spiritual and Temporal; and, thirdly, the House of Commons, *freely chosen by the people* from amongst themselves;” by which means it possesses all the advantages of the other three forms of government combined in its own singular and peculiar constitution, namely, wisdom, goodness, and power, the exercise of which qualities are secured to the people by the division of the sovereignty, which being lodged in an aggregate body, actuated by different springs and attentive to different interests, there can no inconvenience be attempted by either of the three branches, but will be withstood by one of the other two; each branch being armed with a negative power, sufficient to repel any innovation which it shall think inexpedient or dangerous. Thus, then, is lodged *the sovereignty of the British constitution*, and lodged as beneficially as is possible for society, and in no other shape could we be so certain of finding the three great qualities of government so well and so happily united. If the supreme power were lodged in any one of the three bodies separately, we must be exposed to the inconveniences of either absolute monarchy, aristocracy, or democracy, and so want two of the three principal ingredients of good polity, either virtue, wisdom, or power. If it were lodged in any two of the branches, for instance, in the King and House of Lords, our laws might be providently made and well executed, but they might not always have *the good of the people* in view: if lodged in the King and Commons, we should want that circumspection and mediatory caution which the wisdom of the Peers is to afford: if the supreme rights of legislature were lodged in the two Houses only, and the King had no negative upon their proceedings, they might be tempted to encroach upon the royal prerogative, or, perhaps, to abolish the kingly office, and thereby weaken (if not wholly destroy) the executive power. This able argument incontestably proves, that the sovereignty of the British constitution is lodged in a way, the best calculated of all others, to promote the

ultimate object of all legitimate governments, *the good of the people*; but although it is apparently thus securely lodged, still it is not out of the reach of attack; and the able Judge himself, sensible as he was of its excellence, was sensibly alive to the insidious dangers which environed it, and which might encompass and destroy it; for he states, “that nothing can endanger or hurt it, but *destroying the equilibrium of power* between one branch of the legislature and the rest; for if ever it should happen that the independence of any one of the three should be lost, or that it should become subservient to the views of either of the other two, there would soon be an end of our constitution.”

If this delineation of the constitution be correct, and that it is so there can be no doubt, if Judge Blackstone knew any thing about it, then the following propositions are established beyond the possibility of controversy;

First, That the British constitution consists in the division of the sovereignty;

Secondly, That by this division, the sovereignty is vested in the three estates of King, Lords, and Commons; the two former being hereditary, but the latter elective, and to be *freely chosen by the people*;

Thirdly, That these three estates are perfectly independent of and free from the control of each other;

Fourthly, That no one, nor any two of these three estates can possess the sovereignty, but that it is lodged in *all three* collectively;

Fifthly, That the essence of this constitution depends upon the preservation of the absolute and perfect purity, freedom, and independence of all the three estates of which it is composed;—for Judge Blackstone emphatically declares, that “herein, indeed, consists the true excellence of the English government, that all the parts of it form a mutual check upon each other. In the legislature, the people are a check upon the nobility, and the nobility a check upon the people, by the mutual privilege of rejecting what the other has resolved, while the King is a check upon both, which preserves the executive power from encroachments. And this very executive power is again checked and kept within due bounds by the two Houses, through the privilege they have of impeaching and punishing evil counsellors. Thus every branch of our civil polity supports and is supported, regulates and is regulated by the rest:



“for the two Houses naturally drawing in  
“two directions of opposite interests, and  
“the prerogative in another still different  
“from them both, they mutually keep  
“each other from exceeding their proper  
“limits, while the whole is prevented  
“from separation, and artificially con-  
“nected together, by the mixed nature of  
“the crown, which is a part of the legisla-  
“tive and the sole executive magistrate.”

Herein, then, is to be found that excellence, pre-eminence, and superiority for which the British constitution stands distinguished beyond every other form of government that the ingenuity of man has been able to discover; herein is to be found the origin of that ardent, zealous, and unconquerable attachment which our ancestors upon every occasion manifested for this unrivalled institution, and which, I am confident, would be as fervently supported by their posterity, were they equally well acquainted with its real and intrinsic merits, which seem to be justly appreciated only by that part of the community, who are basely calumniated and aspersed as jacobins, levelers, and republicans, by that servile and degraded crew of sycophants, who, from interested motives, are undermining this sacred edifice, and who, by grossly imposing upon the well-meaning but uninformed part of the community, have endeavoured to fix upon the real friends of the constitution that stigma and odium, which ought to be solely attached to their own destructive principles and conduct. It may not be amiss, therefore, to inquire into the motives of those, who so sedulously and upon all occasions set themselves in opposition to every proposition that wears the aspect of what is popularly termed Parliamentary Reform; but which would be more correctly expressed by, what in reality it is, a restoration of the Constitution to its original purity and perfection: with this view I ask them, what it is that they oppose themselves to? Is it the British Constitution, as here depicted by Judge Blackstone, that they are assailing? that Constitution, whose excellence is so perpetually in their mouths, and which they have so repeatedly pledged themselves to support even with the sacrifice of their lives and fortunes? If that should be disclaimed, then it will be incumbent on them, if they were sincere in their professions of attachment to the Constitution, either to join us in procuring a restoration of it to its original purity and perfections, or by an open and explicit explanation of

their principles, if they have any, free themselves from the something more than suspicion that they are solely actuated by the sordid motives of interest and the love of *base and filthy lucre*. It will be difficult for these gentlemen to exonerate themselves from this imputation, unless they can shew that the parliamentary reformers are aiming at something beyond the Constitution described by Judge Blackstone, which I apprehend it will not be in their power to do, as I am persuaded the most radical reformer never looked to the attainment of any thing beyond that, which is the birth-right of every Englishman, and which appears to me to be a duty imposed upon every honest man, every friend to civil liberty, every real lover of his country, to use every exertion in his power to acquire. If the restoration of the British Constitution to that state of purity and perfection, described by Judge Blackstone, be so just, legitimate, and praise-worthy a motive, in what predicament do the opposers of such a measure stand? Are they aware that they are justly exposed to the opprobrium of being the enemies of their country, traitors to the British constitution, and the abject supporters of principles that have a manifest tendency to despotism? Yet, much as they may be surprised at it, they are strictly chargeable with such consequences, if they continue the abettors and supporters of such measures, that do, in effect, destroy the benefits that the British constitution is calculated to impart; for after all that can be said upon the subject, it must necessarily come to this point, Has Judge Blackstone correctly delineated the British constitution or not? if he has, those that support, maintain, and renovate it are its real friends and admirers; and those that oppose or endeavour to suppress it, are, of course, its bitterest enemies; the conclusion is inevitable, and they have no means of avoiding the application, but by becoming converts to and supporters of that constitution, which they affect, in words at least, so much to admire. The distinguishing feature of this constitution is, the division of the sovereignty; but its essence consists in the preservation of the independence of all the three estates in whom that sovereignty is vested. If that independence can be effectually destroyed in any one of its branches; it matters not in which, the constitution is virtually annihilated; its form and shadow may remain, but its substance is gone, its vitality is extinct. Whether that event is fast approaching, or has



already taken place, is a question of the highest importance, which calls for your serious deliberation and solemn determination; but the friends of parliamentary reform are decidedly of opinion that the mischief has been consummated, that a breach has been made in the constitution, and that the independence of the House of Commons has been effectually assailed. This opinion is grounded on the state of the representation; the particulars of which are detailed in a petition presented to that House in 1793, by the present Lord Grey, wherein it is stated, and proof of the truth of such statement offered to be produced at the bar of that House, that 154 wealthy individuals, who have been aptly termed the Borough Faction, can, if they combine together, by their influence alone, procure the election and return of a majority of that House; whereby they are enabled to legislate for and dispose of the lives, liberties, and properties of all the rest of the inhabitants of these kingdoms; which accusation that House of Commons, conscious of its truth, did not dare to encounter and disprove, but tacitly admitted its guilt by ignominiously shrinking from the investigation. Whether any alteration has taken place for the better, in the formation of any subsequent House of Commons, may be tolerably well ascertained by the general call for reformation that now pervades every part of the kingdom; a call that countenances something more than a suspicion of the constitution being in danger, and which evinces as well the attachment, as the vigilant jealousy of the people to every thing connected with its security and existence; for they well know that it cannot exist to any beneficial purpose without the complete and absolute independence of the House of Commons; and they are fully satisfied that this independence can never be secured unless the freedom of election be preserved pure and inviolate, without this their liberties must be endangered, as they are convinced of the truth of the apothegm of the great Lord Treasurer Burleigh, "that England could never be ruined but by a Parliament," an event that Montesquieu predicts will certainly take place, "whenever the legislative power shall become more corrupt than the executive." To guard against the accomplishment of this prediction is both the duty and the interest of all the real friends and well-wishers to their country; and they are now imperiously called upon strenuously to exert themselves to

secure this most important object, in consequence of the practices brought to light by Mr. Madocks, on the 11th of May, 1809, and which practices were declared to be as notorious as the sun at noon day. The practice of purchasing seats in the House of Commons as notorious as the sun at noon day! What then is become of the British constitution? which enjoins that the House of Commons should be *freely chosen by the people*, and represents the practical exercise of this most indispensable privilege to be of such vital importance, that Judge Blackstone declares it to be "essential to the very being of Parliament that elections should be free, therefore all undue influence upon the electors are illegal and strongly prohibited," as tending, according to Mr. Locke, to cut up the government by the roots, and poison the very fountain of public security; and yet the practice of purchasing seats in the House of Commons; and thereby destroying the very being of Parliament, and poisoning the very fountain of public security, is declared to be not only as notorious as the sun at noon day, but is publicly assigned as the reason why men, charged of being guilty of this treason against the constitution of their country, should be permitted to escape that condign punishment so justly due to their sacrilegious iniquity. With such an explanation of the British constitution, and with such a fact as this before them, can Englishmen slumber and sleep, whilst their dearest rights are invaded; without making one constitutional effort to do themselves justice, and thereby secure to themselves and their posterity that inestimable treasure bequeathed to them by their ancestors? I trust they will not, but arousing themselves from the state of apathy into which they have been lulled, they will rise to an exertion, commensurate with the importance of the interest which they have at stake, and adopt, as the foundation of their measures, that safe, constitutional doctrine of—The Freedom of Election, as the only certain remedy for the grievances under which they at present labour: to effect this, they must be sensible of its consequences; they must be convinced of the truth of the statement of Judge Blackstone, that, "it is essential to the very being of Parliament that elections should be absolutely free," without which, the House of Commons, as required by the constitution, can never be *freely chosen by the people*: but in order to know who are the people, in whom the constitution has vested

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this right of election, it is necessary to state, in the words of Judge Blackstone, that The People, or, "The Commons, consist of all such men of *property* in the kingdom as have not seats in the House of Lords; every one of which has a voice in parliament, either personally or by his representative;" and he further states, that "the true reason of requiring any qualification in voters, with regard to *property*, is, to exclude such persons as are in so mean a situation, that they are esteemed to have no will of their own. If these persons had votes they would be tempted to dispose of them under some *undue influence* or other. This would give a great, an artful, or a wealthy man, a *larger share* in elections than is consistent with *general liberty*." If it were probable that every man would give his vote *freely* and without *influence* of any kind, then, upon the *true theory* and *genuine principles of liberty*, every member of the community, however poor, should have a vote in electing those delegates, to whose charge is committed the disposal of his property, his liberty, and his life. By which you will perceive how indispensably necessary to the support of the spirit of the constitution it is, that "elections should be absolutely free," and that no undue influence should be permitted to exert itself at such elections, lest any one should possess himself of a larger share in elections than is inconsistent with "*general liberty*;" and therefore excludes from the elective franchise all those who are so poor as to be supposed not to have a will of their own, lest, by their perversion and abuse of that invaluable privilege, they should endanger the general liberty: from which principle it follows, that every man who has a vote, and who perverts and abuses it, by converting it into an instrument for the acquirement of wealth, honour, or preferment, ought to be instantly disfranchised of that privilege, as an enemy to his country and a base betrayer of the *general liberty*. Having thus established the importance of the freedom of elections, and shewn that every man of property in the kingdom is entitled to a vote, upon the principle asserted by the late Lord Chancellor Camden, that taxation and representation were inseparable; it would appear to be no very difficult task to point out the means whereby such invaluable component parts of the British constitution might be recovered, protected, and secured: to effect this important object reformation must

begin at home; every voter must come to the fixed, unalterable determination to give his vote *freely*, as the constitution requires, without any bias from undue influence; he must always bear in mind the observation of Judge Blackstone, "that it is a matter most essential to the liberties of this kingdom, that such members be delegated to this important trust, as are most eminent for their probity, their fortitude, and their knowledge;" and therefore resolve never to give his vote to any man, who is not so gifted; but, above all, he must be inflexible to the solicitations of any candidate, who will not pledge himself, explicitly and unequivocally, to a correction of all subsisting abuses, and a complete restoration of the British constitution to its full force and energy; and, with this view, he may act in consort with,

The friends of the Constitution, associated, for the purpose of restoring it to its original purity and perfection, whose bond of union is their love of their country and the public good, who only require,

That the theory of the constitution, as delineated by Judge Blackstone, should be permitted to operate in practice.

That all householders, subject to taxation, should have a vote for the representation, taxation and representation being inseparable.

That all votes be taken in each parish by the parish officers, who are to make returns to the sheriff's court, and that all elections should commence on the same day.

That the members of the representatives should be regulated by the population of each county.

That the duration of parliament should be limited to one year, as practised for near two hundred years together with success, that being the only possible mode of securing to the electors an adequate control over the conduct of their representatives.

If the electors will bind themselves to these principles, and will express their adherence to them in petitions to the three branches of the legislature, there can be no doubt but they will carry their point, and secure to themselves the enjoyment of all the blessings which the British Constitution is calculated to impart, and entitle themselves to the respect and veneration of their remotest posterity.

I must here take leave to ask, whether there is any thing in what is here stated, that is incongruous with or repugnant to



either the letter or the spirit of the British Constitution? if there is not, and I defy any man to prove that there is, why should not that be accorded to the people of this kingdom, which is their birth-right and inheritance, since it is that constitution, which, "although much talked of, is but "little understood;" still in "theory the "most beautiful of any, in practice the "most approved, in duration the most "permanent, which it is the duty of every "good Englishman to understand, to re- "vere, and to defend;" from which have emanated, when producing its legitimate effect, Magna Charta, the Habeas Corpus Act, and the Bill of Rights, and from which source will continue to flow every law that is calculated to promote and secure civil liberty and private property: at all events, this is the British Constitution, and no good Englishman will repine at the effects it may produce, be they what they may, so long as it is permitted to act with an unfettered and unrestrained energy. It is curious to observe, that those who are only contending for the attainment of so legitimate an object as the recovery of their birth-right, are always stigmatized as Jacobins, Levellers, and Republicans; while those who are undermining and subverting, and thereby proving themselves the bitterest enemies of the British Constitution, set themselves up as the objects of commendation and applause, if not selected for honours and preferment. To men acting from a less forcible impulse than that of genuine patriotism, such a lot might prove discouraging, if not mortifying; but on those, who are actuated by such a sacred principle, no such impression can be made; for myself individually I can say, that I treat such a charge with scorn, and repel it with indignant disdain, being conscious that I am wholly and solely directed by the purest love of my country and of civil liberty, and an utter abhorrence and detestation of despotism and corruption; and I am firmly persuaded, that all the members of that meeting at Free-Mason's Tavern in June last, with whom I had the honour to be associated, and which, in point of fortune, independence, and respectability, has seldom been surpassed, are altogether influenced by the same liberal and patriotic principles, and equally regardless of those calumnies which are circulated by men, who are, from the same cause, both their enemies, and the enemies of the British Constitution: but what is there, in what is here stated to be our

object, that these men can reasonably object to? They cannot deny that the independence of the House of Commons is a vital principle of the British Constitution, and that without such independence the Constitution is a mere name and nothing else; how then can they revile us whose aim is only to secure that independence in such an ample and effectual manner, as shall completely protect it both from open and secret hostility? On that account it is we require short parliaments, as the only practicable mode of assuring to us, that effective and constitutional control over our representatives, which can alone render them the faithful and watchful guardians of the public welfare; on that account it is that we require an extension of the elective franchise to all men subject to taxation, as well on the principle that taxation necessarily implies representation, as also on account of its being the only means of counteracting the machinations of the borough faction, which by domineering equally over King and people, completely destroys the independence of both those branches of the British Constitution; on that account we require the votes to be taken in the parish, in which the voter resides, that he may not be put to any expense whatever in giving his vote, and be thereby secured against that undue influence which is so dangerous to the general liberty; on that account we require the number of the representatives to bear a proportion to the number of electors, in order to prevent a few inhabitants of boroughs, whose sale thereof is as notorious as the sun at noon day, from having it in their power to elect a majority of the House of Commons, and thereby legislate for the lives, liberties, and properties of all the rest of the subjects of these kingdoms; all these things are requisite to recover, maintain, and support the independence of the House of Commons; and therefore we require all these things to be conceded to us, as being indispensable to ensure to us the enjoyment of that Constitution which our ancestors transmitted to us, and which we who are called Levellers, Jacobins, and Republicans, love, venerate, and revere; which we wish to preserve inviolate for ourselves, and to transmit unimpaired to our children's children. With such a zealous attachment to the British Constitution, and with such motives to support them, can the friends of parliamentary reform and of civil liberty stand in need of any justification to shelter and protect them against the base calum-

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nies that are so industriously propagated against them? Their object, their only object, is the restoration of the British Constitution to its original purity and perfection; they are no innovators, no speculative theorists, they only require what their ancestors enjoyed and transmitted to them as their birth-right and best inheritance, the British Constitution, the whole Constitution; and they have a right to expect that every true Englishman, every sincere well-wisher to his country, should countenance, aid, and support them in their efforts to obtain so invaluable a possession, the pursuit of which they never will relinquish, but will steadily and firmly adopt every constitutional measure that is calculated to ensure them the attainment of their undoubted right, without being "hurried into faction and licentiousness on the one hand, or being intimidated into a pusillanimous indifference and criminal submission on the other;" but will assert their claims in that bold and manly manner that becomes freemen, conscious that the protection of the *liberty of England* is a duty which they owe to themselves, who enjoy it; to their ancestors, who transmitted it down; and to their posterity, who will claim it at their hands,—the best birth-right and noblest inheritance of mankind.

THOMAS JONES.

Sway Cottage, Lymington,  
Sept. 24, 1811.\*

\* I have had this excellent essay in my possession from the time here mentioned; but I have not until now seen a favourable occasion for publishing it. *Reform*, it is now seen, is the only remedy for our calamities; and here the public have a statement of the principles and views of the real reformers.

#### OFFICIAL PAPERS.

ENGLAND.—*Declaration, relative to the Orders in Council.*—Dated, Westminster, 21st April, 1812.

(Continued from page 736.)

vagant; and he farther announces the penalties of those Decrees to be in full force against all nations which shall suffer their flag to be, as it is termed in this new code, "denationalized."—In addition to the disavowal of the blockade of May, 1806, and of the principles on which that blockade was established, and in addition to the repeal of the British Orders in Council, he demands an admission of the principles,

that the goods of an enemy, carried under a neutral flag, shall be treated as neutral;—that neutral property under the flag of an enemy shall be treated as hostile;—that arms and warlike stores alone (to the exclusion of ship-timber and other articles of naval equipment) shall be regarded as contraband of war;—and that no ports shall be considered as lawfully blockaded, except such as are invested and besieged, in the presumption of their being taken [*en prevention d'être pris*], and into which a merchant-ship cannot enter without danger.

—By these and other demands, the enemy in fact requires, that Great Britain and all civilized nations shall renounce, at his arbitrary pleasure, the ordinary and indisputable rights of maritime war; that Great Britain, in particular, shall forego the advantages of her naval superiority, and allow the commercial property, as well as the produce and manufactures of France and her confederates, to pass the ocean in security, whilst the subjects of Great Britain are to be in effect proscribed from all commercial intercourse with other nations; and the produce and manufactures of these realms are to be excluded from every country in the world to which the arms or the influence of the enemy can extend.—Such are the demands to which the British Government is summoned to submit—to the abandonment of its most ancient, essential, and undoubted maritime rights. Such is the code by which France hopes, under cover of a neutral flag, to render her commerce unassailable by sea; whilst she proceeds to invade or to incorporate with her own dominions all States that hesitate to sacrifice their national interests at her command, and, in abdication of their just rights, to adopt a code, by which they are required to exclude, under the mask of municipal regulation, whatever is British from their dominions.

—The pretext for these extravagant demands is, that some of these principles were adopted by voluntary compact in the Treaty of Utrecht; as if a Treaty once existing between two particular countries founded on special and reciprocal considerations, binding only on the contracting parties, and which in the last treaty of peace between the same powers, had not been revived, were to be regarded as declaratory of the public law of nations.—It is needless for His Royal Highness to demonstrate the injustice of such pretensions. He might otherwise appeal to the practice of France herself, in this and in



former wars, and to her own established codes of maritime law: it is sufficient that these new demands of the enemy form a wide departure from those conditions on which the alleged repeal of the French Decrees was accepted by America, and upon which alone, erroneously assuming that repeal to be complete, America has claimed a revocation of the British Orders in Council.—His Royal Highness, upon a review of all these circumstances, feels persuaded, that so soon as this formal declaration, by the Government of France, of its unabated adherence to the principles and provisions of the Berlin and Milan Decrees, shall be made known in America, the Government of the United States, actuated not less by a sense of justice to Great Britain, than by what is due to its own dignity, will be disposed to recal those measures of hostile exclusion, which, under a misconception of the real views and conduct of the French Government, America has exclusively applied to the commerce and ships of war of Great Britain.—To accelerate a result so advantageous to the true interests of both countries, and so conducive to the re-establishment of perfect friendship between them; and to give a decisive proof of His Royal Highness's disposition to perform the engagements of His Majesty's Government, by revoking the Orders in Council, whenever the French Decrees shall be actually and unconditionally repealed; His Royal Highness the Prince Regent has been this day pleased, in the name and on the behalf of His Majesty, and by and with the advice of His Majesty's Privy Council, to order and declare;—"That if at any time hereafter the Berlin and Milan Decrees shall, by some authentic act of the French Government, public promulgated, be expressly and unconditionally repealed, then, and from thenceforth, the Order in Council of the 7th day of January, 1807, and the Order in Council of the 26th day of April, 1809, shall, without any farther order, be, and the same hereby are declared from thenceforth, to

be wholly and absolutely revoked; and farther, that the full benefit of this Order shall be extended to any ship or vessel captured subsequent to such authentic act of repeal of the French Decrees, although, antecedent to such repeal, such ship or vessel shall have commenced, and shall be in the prosecution of a voyage, which, under the said Orders in Council, or one of them, would have subjected her to capture and condemnation; and the claimant of any ship or cargo which shall be captured at any time subsequent to such authentic act of repeal by the French Government, shall, without any farther order or declaration on the part of His Majesty's Government on this subject, be at liberty to give in evidence in the High Court of Admiralty, or any Court of Vice-Admiralty, before which such ship or vessel, or its cargo, shall be brought for adjudication, that such repeal by the French Government had been by such authentic act promulgated prior to such capture; and upon proof thereof, the voyage shall be deemed and taken to have been as lawful as if the said Orders in Council had never been made; saving nevertheless to the captors such protection and indemnity as they may be equitably entitled to, in the judgment of the said Court, by reason of their ignorance or uncertainty as to the repeal of the French Decrees, or of the recognition of such repeal by His Majesty's Government, at the time of such capture.—His Royal Highness, however, deems it proper to declare, that, should the repeal of the French decrees, thus anticipated and provided for, afterwards prove to have been illusory on the part of the enemy; and should the restrictions thereof be still practically enforced, or revived by the enemy, Great Britain will be obliged, however reluctantly, after reasonable notice to Neutral Powers, to have recourse to such measures of retaliation as may then appear to be just and necessary."

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